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Application No: DER/03/11/00246, DER/03/11/00247 & DER/03/11/00248 **Type:** Outline and Listed Building Consent

1. **Address:** Land at former Friar Gate Station and Goods Yard including the former Bonded Warehouse and former Friar Gate Station and Railway Arches.
2. **Proposal:** Conversion and extension to Bonded Warehouse to supermarket (use class A1) and mall (use classes A1, A2 and A3). Conversion of former Engine House to restaurant / café / drinking establishment (use class A3 / A4). Conversion and extension of former station viaduct to financial and professional services / restaurant / café / drinking establishment / hot food takeaway (use classes A2, A3, A4 and A5) and heritage centre (use class D1). Residential development (150 dwellings). Offices (use class B1), petrol filling station (sui generis use) and formation of vehicular accesses and car parking area.

3. **Description:**

This report is intended to provide an introduction to the three applications that have been submitted for the redevelopment of the former Friar Gate Station site. The proposals are still under consideration by the City Council therefore detailed examination of the implications of the development is not to be provided in this report. Its purpose is to highlight the issues arising from the application with the intention of keeping Members of the Committee updated on the scheme.

The application site is the former Derby Station and Goods Yard. It extends to some 7.9 hectares in size and comprises an irregular shaped piece of land. It sits within an established and built up area, to the west of the City Centre. In the past, the site was filled to enable the railway that it accommodated to be elevated above neighbouring roads and it sits elevated some 5-7m above adjacent land. Extending up to the sites northern boundary are residential areas. To the west is a cluster of industrial buildings including a scrap metal yard. The southern boundary of the site extends up to Great Northern Road with mainly residential accommodation siting on its opposite side. The site abuts the rear boundaries of properties fronting Stafford Street and the new inner ring road junction, where Stafford Street meets Uttoxeter Old Road sits at its southeast corner. The new roundabout provides the main vehicle access into the application site. To the north, an area of the land drops in level as the site meets Friar Gate. The boundary of the Friar Gate Conservation Area extends across the frontage of the former Station site and incorporates the Friar Gate Bridge but does not extend into the boundaries of the application site.

Derby Station was part of the Great Northern Railway whose route through Derby was completed in 1878. The former station buildings occupied the north east part of the site elevated upon arched structures which were attached to Friar Gate Bridge. A Bonded Warehouse (also known as the former goods depot), Engine House and associated buildings along with extensive areas of track extended to the south west. The station closed in the 1960's and the majority of the railway infrastructure was removed from the site including the track bed, signal box, station buildings and ancillary structures. However, the bridge, brick vaulted arches that carried the upper level station buildings, Bonded Warehouse and Engine House remain and parts of the platforms are evident. These are important heritage assets and the majority of them, are located within the application site.

The Bonded Warehouse is on the statutory list of buildings of special architectural or historic interest and is grade II listed. It is an impressive and imposing building built

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of red brick with an irregular plan which accommodates a rounded corner on the north-east side of the building. The north and south elevations have wide arched openings at ground level. Rail access to the building was historically from the west via a series of broad openings in the building and similar openings in the east elevation provided road transport access. Internally the building accommodated an area that previously served as office accommodation with the remainder of the internal space serving as a two storey warehouse space elevated over the basement. The decayed remains of platforms continue to be evident at the ground floor level but the track beds have been removed. An extensive glazed ridge provided light through large open light voids within the first floor. The roof of the building is now in a poor state of repair and some of the internal features have been lost or are in a very poor condition. The basement continues to be accessed via a brick built vaulted road tunnel which links to Great Northern Road.

The Engine House is also Grade II listed. It was built in 1877-1878 and provided hydraulic power to the various hoists and cranes within and around the goods depot. It is constructed of red brick with a timber roof structure. A tower which is attached to the western end accommodates a pyramidal roof with tall arched openings at the upper level. Internally, there is no evidence of its original layout and although it currently stands vacant it has recently been in commercial use and modern internal partitions and a first floor have been added.

The brick arches are attached and are part of the grade II listed Friar Gate Bridge. They comprise a series of linked brick arched vaults. On the western side they are punctuated by a series of openings which provided access into the arches. On the east side more recent openings have been punctuated which cut through earlier openings. The parapet level of the arches accommodates a series of panels and flat pilasters above which project a number of chimney stacks that have been truncated. The cobbled road which led to the main entrance to the station remains on the western side of the arches along with a timber gable fronted canopy which formerly housed the ticket office and booking hall. It also accommodated an entrance to the subway arch which provided access to the upper level platforms including an island platform. This entrance is now blocked but access to the subway is still possible from a secondary entrance on the eastern side of the arches. The stair from the subway has been sealed and none of the station buildings on the upper level remain. Parts of the island and outer edge platforms are evident. The first two arches that are attached to the Friar Gate Bridge are not within the ownership of the applicant.

Small scale commercial uses are currently run from the arches and a car park is operated at the eastern end of the site which is accessed off Friar Gate. Other businesses have operated in the recent past from the Engine House and the modern buildings at the southern end of the site, which face Great Northern Road. However, the site stands mainly in a vacant condition with large areas being disused for a number of years. Consequently the site has developed wildlife interest in its flora and fauna.

Members may be aware of a report being brought before this Committee in 2008 relative to a group of 7 applications for planning permission and listed building consent involving residential development on the site including conversion of the listed buildings to residential, retail and leisure / bars / restaurants and including the

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demolition of the arches. Those applications remain undetermined but it is understood that the scheme put forward in that group of applications is not commercially viable and so are no longer being pursued by the applicant.

The Proposal

This scheme comprises a group of three applications. The first is an outline planning application for the comprehensive mixed use regeneration of the site. It outlines the following proposals;

- Conversion of the former Bonded Warehouse and extension to it to provide up to 12,500 sqm of new floorspace comprising a supermarket of up to 7,400sqm net sales and ground floor mall with up to 580sqm A2/A3 units;
- The erection of a petrol filling station;
- Part alteration / conversion / extension to former station brick arches to provide up to 2,226sqm of A2/A3/A4/A5 units along with new public realm and 120sqm heritage centre;
- Conversion of the former Engine House for A3/A4 (pub / restaurant) use ;
- The erection of a new A3 / A4 (pub/restaurant);
- The provision of up to 150 dwellings;
- The erection of 2,500sqm of new office space;
- The associated infrastructure including the formation of vehicle and pedestrian accesses, internal roads, 700 car parking spaces (excluding those to be provided as part of the residential development) and associated earthworks and landscaping.

Outline planning permission is sought with access, scale and layout details to be determined for the commercial aspects of the scheme. Only the means of access is being sought for approval on the residential elements of the scheme and the petrol filling station with all others matters reserved on those two elements. The other two applications that accompany the outline are listed building consents. They seek to establish consent for the demolition / alterations / extensions to the arches and alterations and extensions proposed to the Bonded Warehouse.

Supermarket Proposals

The provision of a supermarket is central to the proposals for the site. It is proposed to be accommodated within the Bonded Warehouse and a large extension to its northern elevation. The extension would extend to some 89m in width and some 90m in depth and is proposed to be raised on stilts which would allow car parking to take place underneath the retail floor. The extension would join the Bonded Warehouse just above the level of the first floor window sill. An existing opening in the northern elevation would be raised and two new openings formed in addition to existing window openings being used to facilitate internal circulation through the two buildings. A lightweight glazed bridge would connect them. The extension would extend up to a height of 12.5m with the glazed link sitting lower at a height of 9m. No details of the elevational treatment of the extension are submitted for approval as the

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external appearance of the development is reserved for future approval although some indicative images are outlined in the supporting visual drawings and Design and Access Statement. They indicate the use of a simple palette of materials with large areas of glazing behind the till line and within a circulation tower that would sit at the end of a boulevard extending through the development from Friar Gate.

The ground floor of the Bonded Warehouse would accommodate the main entrance leading from the car park and Great Northern Road, a customer cafe and a small group of specialist shops. It would also provide customer lifts and travelators to the first floor. The warehouse for the food store would sit at the western end directly adjacent to a proposed service yard. The first floor would accommodate some warehouse and ancillary facilities along with a retail sales floor which it is indicated will not be used for the sale of food as all food sales will be located within the extension. New roof lights are proposed to be installed which replicate the original light well. The only accommodation proposed at the top level of the building is staff facilities at the eastern end where the office accommodation was historically located.

A petrol filling station is proposed as part of the foodstore development. It would be served directly off a link road from Great Northern Road and would sit between the supermarket and the residential development proposed in the western area of the site. Detailed plans for the layout and design of the petrol station are not being provided at this stage as only means of access and the principle of locating the petrol station on this part of the site are for consideration as part of this outline scheme. It is indicated that the petrol station kiosk will have a floor area of up to 280sqm.

The Arches

The flank wall along the frontage of the arches is to be retained up to the location of the subway but not all of the existing brick arches are proposed to be retained and reconstructed. Those beyond the third arch are proposed to be removed and a new structure created to support the original station revetment walls and to carry a new upper level. Glazing within the new and altered apertures to act as doorways and shop fronts are proposed to be inserted into new arched openings within the retained wall and the units would be served from the north-west side. It is indicated that 2,226sqm of floorspace would be provided which it is proposed will be used to accommodate a variety of office / financial and professional units and hot food cafes and shops. The boulevard that would extend across the front of the arches would provide pedestrian access from Friar Gate to the food store and wider site. At the end of the boulevard a glazed lift tower is proposed which will provide access to the upper level and entrance to the supermarket. The opposite side of the boulevard is to be framed by a group of two storey office units. The information provided in the Design and Access Statement indicates that high quality paving and public realm will be used along the boulevard. It is suggested that the key to the success of this scheme will be the creation of strong links to Derby City Centre and the Cathedral Quarter and therefore one of the most important aspects is the quality of that journey.

The car park of the food store would extend beyond the walls of the extension to the Bonded Warehouse and continue across part of the upper level of the arches where part of the remains of the platforms are to be removed. At the eastern end, an area of public realm will support pedestrian footpaths that would link to the Friar Gate Bridge. The outline application also indicates the installation of a train and carriage

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of the period as part of the public realm works. Associated with this is provision on the upper level of a heritage centre. An internal road which links through the northern edge of the site would ramp between the arches and the northern edge of the site boundary and provide vehicle access onto Friar Gate. What remains of the booking office and ticket hall would be removed in order to accommodate this link.

Engine House.

The outline scheme seeks permission for the change of use of the Engine House into a restaurant / cafe / drinking establishment. As no alterations to the building are proposed at this stage, the outline scheme has not been supported by an application for listed building consent for the Engine House as any alterations deemed necessary to facilitate the use will be considered at a later stage.

Two new buildings are proposed towards the southern end of the site and in close proximity to the Engine House and Bonded Warehouse. A single storey cafe / restaurant are proposed in between the two listed buildings. Given the gradient of the land across this area of the site, the flat roof of the new building is proposed to provide opportunities for additional landscaping that would extend out from the ground floor level at the front of the Bonded Warehouse when viewed from the Uttoxeter New Road / Stafford Street roundabout. A new plaza is proposed to be created across the frontage of this cafe / restaurant which would be served by a car park accessed directly off Great Northern Road and adjacent to the Engine House. The second new building proposed at this end of the site is a two storey block of office accommodation which is proposed to sit adjacent to the main vehicle access point into the site for the supermarket. This building would front onto Stafford Street.

Housing

3.1 hectares of land on the western side of the site is proposed for residential development. The indicative layout provided as part of the masterplan shows the provision of 140 dwellings. However, the outline planning application indicates that the amount of development could extend up to 150 dwellings given that consideration could be given to a greater percentage of apartments. It is indicated that the majority of the housing will comprise 2 and 3 bedroomed terraced houses and townhouses together with some apartments. Although the layout of the residential area of the site is reserved for future approval the masterplan indicates how future aspirations for the Mickleover / Mackworth link bus route could be accommodated through this area of the development. The indicative residential layout and also takes account of two combined sewers which cross the site and Bramble Brook which is culverted beneath the site at this western end.

Access.

The proposals would provide five main vehicular access routes into the site. The main point of access will be the new link off the junction with the inner ring road which is proposed to serve the supermarket car park. Three dedicated accesses off Great Northern Road would principally serve the Engine House, new restaurant / cafe and its proposed plaza, the petrol station and service yard of the supermarket and a dedicated link would serve the residential development at the western end. The fifth vehicular access point would be the junction onto Friar Gate, north of Friar Gate Bridge. It is anticipated that it would be used to access staff parking for the uses in the arches and new office development opposite along with their associated

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servicing. It is also the potential point of egress from the site for the Mickleover / Mackworth bus route.

Various pedestrian links through the site are also indicated along these roads and through dedicated pedestrian routes from the residential streets to the north. These are shown from Ambrose Terrace, South Street, Ponsonby Terrace and Granville Street. The information provided in the Design and Access Statement indicates a desire to create strong links between the development and the City Centre and Cathedral Quarter of the City.

The outline planning application indicates the provision of 700 parking spaces on site, not including those to be provided as part of the residential development. They would serve the new retail and commercial proposals including staff parking. The information supporting the application indicates that the supermarket car park would provide customers with 4 hours free parking subject to a pay and display facility with refunds being offered in store.

The documents provided in support of the three applications includes; Planning Statement, Retail Impact Assessment, Cultural Heritage Baseline and Assessment, Cultural Heritage Statement and Justification, Transport Assessment, Supermarket, Office and Residential Framework Travel Plans, Flood Risk Assessment. Phase I Ground Conditions Report, Buildings Survey Reports, Services Enquires Report, Noise Impact Assessment, Air Quality Assessment, Arboricultural Assessment and Ecological Assessment.

4. Relevant Planning History:

To be updated.

5. Implications of Proposal:

5.1. Economic:

The information supporting the application indicates that the scheme would result in the creation of some 780 jobs in the Abbey Ward.

5.2. Design and Community Safety:

A key issue in the determination of this application will be the implications of this proposal for the character and setting of the listed buildings on and near to the site. The implications of the scheme for the adjacent Conservation Area will also need detailed consideration as will as its implications for views into and out of the site given its prominent location.

The community safety issues arising from the scheme will be considered as part of the outline planning application. The Police Liaison Officer has already commented on the scheme and those views are outlined in Section 8 of this report.

5.3. Highways – Development Control:

The highway implications of the scheme along with the information provided in the Transport Assessment and Framework Travel Plans for the supermarket, office and residential developments are still under consideration.

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Highways – Land Drainage:

The information provided in the submitted Flood Risk Assessment and the implications of the development for site drainage and flood risk are still under consideration.

5.4. Disabled People's Access:

The access implications will be considered as part of the outline scheme but are more likely to require further detailed consideration as part of the reserved matters. It is anticipated that a proportion of Lifetime Homes will be secured through the Section 106 Agreement.

5.5. Other Environmental:

The site is identified as a local wildlife site recognised for its rich floristic assemblage and as one of the most diverse sites for butterflies in Derbyshire. An Ecological Appraisal has been provided in support of the application which includes an Extended Phase I Habitat Survey. It identifies that the impact of the development will be the loss of the wildlife site and all existing habitats with the exception of any accommodated within the Bonded Warehouse and Engine Room and a section of broadleaved semi-natural woodland at the northern edge of the site. Notably, it identifies the loss of common broomrape resulting from the development which is a locally scarce plant within Derbyshire. The clearance of the site will also remove the majority of onsite habitats that support butterflies and moths leading to their likely loss from the site. The mitigation measures outlined in the report involve sensitive removal of those habitats and any that are retained being appropriately protected. New planting will be used to compensate for some habitat loss. A translocation operation is outlined to relocate the common broomrape plants and other notable floral species to a viable offsite location in order to seek to offer alternative habitats for the butterflies and moths. It is indicated that the site chosen for translocation will be monitored and managed towards achieving local wildlife site status.

An Arboricultural Assessment has been provided in support of the application. It provides an assessment of nine individual trees and fifteen groups of trees across the site. A summary of its results indicate that the tree stock within the site comprised of, on the whole, self-set material and natural regeneration growth. As a consequence, many of the trees are young or early mature and are not yet established. It indicates that many of the trees displayed multi-stemmed forms, dense ivy cover and minor defects such as broken branches and branch stubs and that those found to provide the better quality specimens were generally situated around the peripheries of the site. The Assessment indicates that in order to facilitate the development, six individual trees and eleven groups would need to be removed. The majority of a tree belt which extends along the northern boundary of the site would be retained.

The Environment Agency flood maps show the site as being located largely within flood zone 3a which is at a high probability of flooding. Some of the areas to the west of the site fall within zones 1 and 2 which are at a lower risk but sequentially, areas of the site within zone 3a would not be considered sequentially preferable for residential development when assessed in line with

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the advice in PPS25. The Flood Risk Assessment indicates that the primary sources of flood risk associated with the site are flooding from the Bramble Brook culvert and drainage of the development impacting upon the site. It suggests that the City Council's Strategic Flood Risk Assessment considers the Bramble Brook and proposes a redrawn extent of flood zone 3 along the Bramble Brook corridor. The map shows the extent of zone 3 to be significantly reduced when compared to the flood map of the Environment Agency. It suggests that zone 3 extends into the southern and western end of the site only with the majority falling into zone 1. The applicants flood risk assessment indicates that a flood alleviation scheme is being planned to improve the condition of the Bramble Brook culvert and reduce the risk of its collapse. It is indicated that the site is not at risk to overland flow due to its elevated level in relation to its neighbours. Given ground conditions and levels across the site it is not considered that infiltration drainage will provide a feasible solution for the development. The assessment suggests that the provision of lined attenuation ponds and an element of rainwater harvesting are likely to be the most effective sustainable drainage solutions. It concludes that the redefining of the flood zone 3 would result in the proposed development being sequentially preferable and that the mitigation measures outlined would offer wider flood alleviation benefits.

The north-eastern areas of the site lie within an Air Quality Management Area (AQMA) for Nitrogen Dioxide and an Air Quality Assessment has been provided in support of the application. The main pollutants arising from the development are identified as those from vehicle emissions, those associated with the petrol station and dust resulting from construction activities. The conclusions drawn in the report are that the overall air quality impacts of the development are judged to be negligible. It suggests that road traffic emissions do not provide any constraints to the proposed scheme and impacts of benzene emissions from the petrol station would not give rise to significant air quality impacts on proposed residential properties. It is advised that it will be necessary to apply a package of mitigation measures to minimise dust resulting from construction activities.

A Noise Impact Assessment has also been provided for the site which considers fixed plant and mobile noise sources associated with the development along with noise associated with road traffic movements and construction. With appropriate mitigation measures in place, it is concluded that no significant noise effects have been identified.

6. Publicity:

Neighbour Notification Letter	275	Site Notice	
Statutory Press Advert and Site Notice	Yes	Discretionary Press Advert and Site Notice	
Other			

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This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

At the time of drafting this report, fourteen objections, four comments and two representations of support had been received in response to the applications. A summary of the main objections raised are as follows;

- The proposed pedestrian link through to Ambrose Terrace should be removed from the scheme on safety, amenity and ecological grounds. It is considered that it would necessitate the unnecessary removal of trees. The link is considered an unnecessary addition given that a pedestrian access already exists into South Street
- Noise and light pollution for the supermarket car park resulting in a loss of amenity for neighbouring residents
- The proposed housing should be affordable and no more apartments are needed in the area
- Concerns relative to litter and trolley's associated with the supermarket being left in neighbouring streets
- The scale of the supermarket proposal resulting in a loss of light and amenity due to its height and mass in relation to neighbouring properties
- Loss of trees impacting on local wildlife and screening of neighbouring properties from the development site

One of the objections that have been received has been submitted on behalf of the Derby Hospitals NHS Trust. It is a detailed objection which raises issues relative to retail policy, community involvement, heritage assets, car parking, traffic and the deliverability of the scheme. Given the complexity of its content it is advised that the objection should be considered in full and therefore a summary of the objection is not outlined in this report.

A summary of the comments received in response to the applications are as follows;

- The scheme should minimise the number of apartments that it accommodates given that there are already vacant units in Great Northern Road
- The service area for the supermarket being large and it could look bad alongside the listed building
- The provision of small shops and a small supermarket on the site being preferable
- Well thought out landscaping across the site could be used to help wildlife
- Opportunities for improving links to and routes through the site for cyclists should be maximised
- Vehicle access should not be permitted through to the residential areas to the west of the site

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- Physical barriers should be put in place to stop trolley's being left in neighbouring streets

A summary of the reasons outlined in support of the applications are as follows;

- Bringing the old buildings back into use
- The provision of jobs
- The site offering a useful retail location that will reduce the Westfield pull
- Opportunities are provided to improve pedestrian / cycle links to the city centre
- The proposals enhancing the area
- The scheme will provide security for people walking through the site particularly at night

Copies of all the representations are available to view on the Council's eplanning service:- www.derby.gov.uk/eplanning

8. Consultations:

Members are advised that the three applications that are the subject of this report are in the early stages of being considered. The consultation responses outlined below are therefore a summary of the detailed responses that had been received at the time that the report was drafted. Members should be aware that the comments may be substantiated or amended by the appropriate consultees in light of ongoing discussions and the views expressed may differ in any future reports that are presented to the Committee.

8.1. Regeneration:

Detailed comments have not yet been received.

8.2. Conservation Area Advisory Committee:

Detailed comments have not yet been received.

8.3. Natural Environment:

Detailed comments have not yet been received.

8.4. Environmental Services-Trees:

It is noted that the proposed site layout shows trees with no annotated reference to the submitted tree survey, shows the removal of category 'B' trees and fails to show the trees recognised as significant category 'A' trees along Friar Gate. This is a significant aspect that may have constraints for visibility splays, construction of the junction and its arrangement. Similar constraints and implications exist for the internal road and at this stage; a provisional objection to the application is made. Additional information is requested including a site specific annotated tree protection plan and a site specific Arboricultural Method Statement.

8.5. Environmental Services- Pollution:

Detailed comments have not yet been received.

8.6. Derbyshire Wildlife Trust:

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8.7. County Council Archaeologist:

It is advised that the cultural heritage resource study provided is unsatisfactory as the study of the Historic Environment records is drawn from the Heritage Gateway website. This is not sufficient for the purpose of a professional report and does not meet the minimum consultation requirements of PPS5 Policy HE6. However, this problem is to a certain extent avoided by the observation that the site was built up by a significant amount during construction of the goods yard in the 1870's and that any earlier archaeology is buried beneath 2-5 metres of made ground. There is consequently no potential for the development to impact on any buried archaeology pre-dating the railway period. The heritage information provided therefore permits understanding of the impact of the development, which is the minimum required by PPS5. The impact of the development is therefore limited to its impact on archaeology relating to the railway use of the site. There is some potential for below ground archaeology associated with railway features outside the primary buildings on site, in particular the saw mill complex and warehouse extension. The major impact of the development will be on the built elements within the goods yard and any planning permission must be clearly conditioned to require full historic building recording of all elements to be impacted whether designated or undesignated. A list of appropriate conditions is suggested.

8.8. Environment Agency:

The Agency have advised that in the absence of an acceptable Flood Risk Assessment which complies with the requirements set out in PPS25, objections are raised to the application and refusal of permission is recommended. In particular it is advised that the assessment fails to justify the conclusions made regarding flood risk from the site and an appropriate hydraulic modelling exercise will be required to justify the claims made in the Flood Risk Assessment. The Assessment must demonstrate that there is no additional flood risk to third parties and the Agency disagree with the number of sustainable drainage techniques which have been discounted for the site.

The Agency has considered the information provided in the Phase I Desk Study and note the potentially contaminating former uses identified on the site. The Agency agrees with the recommendations outlined in the report for further intrusive site investigations to take place. The Agency suggests that a number of conditions should be imposed to ensure the protection of controlled waters and ground water quality in the area.

8.9. Natural England:

Advise that the site is of considerable ecological value and whilst the on-site mitigation proposals may offer suitable compensation this cannot be fully ascertained until up to date and accurate ecological information is provided. It is advised that Natural England would wish to see detailed site information and methodology for the off-site compensation proposed. At present, objections are raised to the proposed development and it recommended that planning permission is withheld on the grounds that the application contains insufficient information to demonstrate whether or not the development would have an adverse effect on legally protected species. It is Natural England's opinion that bat species, breeding birds, white clawed crayfish and butterfly species

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could be affected by the proposed development. Further survey work is required and any necessary mitigation measures considered before the permission is granted. Whilst it is considered that the application has incorporated appropriate green spaces and landscaping within the application site itself it is considered that the wider green infrastructure network could be strengthened by connecting the green corridors in the proposed site with the green infrastructure network in the surrounding urban area.

8.10. Police Liaison Officer:

It is advised that permeability, when excessive, can be a crime generator and all links and routes must be supervised by adequate surveillance. Blank elevations to these routes should be avoided. Boundaries to existing properties adjacent to the site have had many crime problems and opening up the area will impact further and increase crime opportunity, not only to existing properties but to the new development zones. By committing early to a robust secure design many problems can be designed out. Should any CIL (Community Infrastructure Levy) resources be available then it may be wise to provide facilities for a neighbourhood police base, especially with a combination of retail, residential and late night evening economy uses within this self enclosed site. The land use will have adverse impacts socially and economically on crime and policing and designing out crime can contribute to the final success of the scheme.

8.11. English Heritage:

The response provided by English Heritage is outlined in full. They have commented as follows;

“There are a number of issues which have not been addressed in the formal applications and we therefore would like to re-iterate our previous advice and add the following comments which are provided in line with government policy and guidance in Planning Policy Statement 5, Planning for the Historic Environment (PPS5), particularly policies HE6, HE7 and HE9, the Historic Environment Planning Practice Guide (English Heritage, March 2010) and English Heritage ‘Conservation Principles’ Policies and Guidance for the Sustainable management of the Historic Environment (English Heritage, April 2008).

The Grade II listed status of the railway arches was highlighted in our letter dated 26 November 2008 which states that the railway arches and associated platforms form an integral part of the Grade II listed Friar Gate Bridge by virtue of their physical attachment. This was reiterated in our letter dated 24 February 2011 and we therefore remain concerned that the Cultural Heritage Statement and Justification dismisses the significance of the railway arches as ‘low’. We advise that this is readdressed in line with the designated status of the structure and in order to ensure that there is an holistic approach to conserving the historic interest of the site.

We previously advised that when considering the future of the Railway Arches the starting point should be from a presumption to preserve as much of the surviving structure as is reasonably possible.

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Notwithstanding this, we have accepted that the preservation of the whole structure is likely to be unrealistic and that the retention and re-use of 7 arches including the subway would be an appropriate way of preserving a meaningful part of the structure.

Drawing PL-17 shows the proposal to create two units (labelled units 13 and 14) by opening up what is presently the subway and the three southern most arches. This would involve the demolition of the internal wall structure between these arches, resulting in the loss of historic fabric and significantly altering the layout. The Historic Environment and Planning Practice Guide paragraph 179 advises us that the fabric will always be an important part of a building's significance and that retention of as much fabric as possible is a fundamental part of a good alteration. We therefore urge your authority to consider the impact of this upon the significance of the Railway Arches and the contribution that their form and layout makes to the historic interest of the Grade II listed building. The justification for these alterations, without an identified user for the space, appears to be lacking and should be assessed in accordance with the criteria in PPS 5, policy HE9.4 and policy HE9.1 which states there should be a presumption in favour of the conservation of the designated heritage assets and that harm to significance must be clearly justified.

As a general point, we are concerned about the level of information provided regarding the details and materials proposed as part of the listed building consent application. On the basis of the application form, it is our view that this is inadequate in terms of being able to assess the impact upon the significance of the Grade II listed building, in line with PPS5, policy HE6.

Grade II listed Bonded warehouse – alterations and extension.

We do not wish to comment in detail on this part of the application. However we wish to point out that, similar to the listed building consent application for the alterations to the Railway Arches, your authority should be satisfied that the level of information provided is adequate in order to adequately assess the impact of the proposed alterations upon the structure and fabric of the Grade II listed building.

Your authority should also be satisfied that the justification for an extension of the proposed size, scale, height and massing and the impact this will have upon the significance of the Grade II listed building is adequate in accordance with PPS5, policy HE9.4 in terms of the degree of harm to significance balanced against the public benefits.

The plans also show new retail units proposed for the area to the south of the Bonded Warehouse, in addition to those proposed at pre-application stage. We therefore urge your authority to carefully consider the quantum of development proposed on the site, in addition to the extension to the Grade II listed Bonded Warehouse, and how these will impact upon the setting of the adjacent Grade II listed

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buildings, including the Grade II listed Engine House, the setting of these buildings and the legibility of the historic relationship and layout.

Recommendation

We urge you to address the issues raised above and recommend that the application should be determined in accordance with national and local policy guidance and your own conservation advice.

It is not necessary to consult us again on this application."

8.12. Society for the Protection of Ancient Buildings:

Detailed comments have not yet been received.

8.13. Victorian Society:

Detailed comments have not yet been received.

8.14. Ancient Monuments Society:

Detailed comments have not yet been received.

8.15. Council for British Archaeology:

Detailed comments have not yet been received.

8.16. The Georgian Group:

Detailed comments have not yet been received.

8.17. Derby Cycling Group:

Although the group raise objections to the application at this stage they consider that many of their concerns can be resolved. Some of the details of the application are supported but concerns remain relative to the additional traffic that will be generated on the roads close to this development, extra cycle facilities being needed to mitigate against the increase in traffic and a need to develop cycle routes through the site and to signpost them. It is also indicated that existing external cycle routes to the site are not satisfactory and that the planning application must consider the access route cyclists take to reach the site. The Group also consider that the cycling targets used in the application submission are underestimated given the status of Derby as a Cycle Demonstration Town since 2005.

9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.*

GD1	Social Inclusion
GD2	Protection of the Environment
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
GD7	Comprehensive Development
GD8	Infrastructure
GD9	Implementation
R1	Regeneration Priorities
R2	Mixed Use Regeneration Opportunities – Friar Gate Station and Environs
H1	City Centre and Mixed Use Regeneration Sites
H11	Affordable Housing
H12	Lifetime Homes

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H13	Residential Development – General Criteria
CC16	Transport
S1	Shopping Hierarchy
S2	Retail Location Criteria
S9	Range of Goods and Alterations to Retail Units
S12	Financial and Professional Services and Food and Drink Uses
E4	Nature Conservation
E5	Biodiversity
E9	Trees
E17	Landscaping Schemes
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
E20	Uses within Buildings of Architectural or Historic Importance
E21	Archaeology
E23	Design
E24	Community Safety
E27	Environmental Art
T1	Transport Implications of New Development
T2(a)	City Council Schemes
T4	Access, Parking and Servicing
T6	Provision for Pedestrians
T7	Provision for Cyclists
T8	Provision for Public Transport
T10	Access for Disabled People
PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Noise
PPS25	Development and Flood Risk

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

Members may be aware of applications having been submitted for this site in the past and the difficulties that have been experienced in bringing them to a satisfactory conclusion. This is indicative of the complex issues associated with its history, the condition of the site and its buildings and the financial implications of bringing it back into use. The site is a key regeneration site for the City and its comprehensive redevelopment is supported. However, whilst a mixed-use development is encouraged on site the detail of the applications that have been put before us need thorough consideration. This is to ensure that they provide the necessary regeneration benefits that are sought through the Saved Local Plan policies and to

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ensure that they maintain and protect the important heritage assets on and adjacent to this site, in the long term.

In the Saved Policies of the current Local Plan, the site is identified as a mixed use regeneration opportunity. Saved Local Plan policy R2 relates to the site specifically and indicates that the redevelopment of the site should meet the following objectives;

1. The construction of a minimum of 500 dwellings, of which 300 are expected to be completed within the plan period [to 2011]. The Council will seek to negotiate the provision of a minimum of 150 affordable dwellings and appropriate supporting facilities;
2. The retention, restoration and future maintenance of the Grade II Listed Buildings and their settings;
3. Safeguarding a route for the proposed Mickleover / Mackworth Express Busway;
4. A cycleway / walkway between Granville Street and the City Centre (east/west);
5. A cycleway / walkway between Uttoxeter New Road and St Alkmund's Way (north / south);
6. A survey and mitigation strategy, to the satisfaction of the City Council, of features of natural history importance;
7. A survey of ground conditions within the site and the preparation of a mitigation strategy to demonstrate how any contamination will be alleviated.

In consideration of those requirements and other local and national policies, the main issues arising from the current applications are outlined below.

Use.

Bringing the listed buildings back into long term viable use is one of the main aspirations for this site and the submitted scheme shows a clear intention to achieve this. However, this will need to be weighed against the level of physical impact that will be required in order to enable the existing structures to support the proposed uses and in particular the amount of loss of part of the existing railway arches and platforms needs to be considered carefully. The extension to the Bonded Warehouse is also substantial and the heritage implications for the whole site resulting from a proposed supermarket and its associated petrol station, car parking and servicing areas needs to be weighed against the viability benefits offered by a large scale supermarket development.

The provision of a supermarket and various other commercial uses is a significant move away from the original vision for the site. Policy R2 identifies A1 retail uses as only being acceptable within the Bonded Warehouse to serve the needs of the locality and to bring the listed building back into beneficial use. The current local plan allocation therefore provides no justification for the provision of a supermarket of the scale being put forward in the application. The Retail Impact Assessment provided in support of the application is still under consideration but questions that are likely to arise are relative to whether the site can be classed as 'edge-of-centre' and whether its use for a supermarket is sequentially preferable to others within the City. We will also have to consider whether the retail proposals will have a significant adverse

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impact on the vitality and viability of existing centres in the shopping centre hierarchy, including the impact on the city centre. These issues will need to be weighed against the aims of PPS4 which seeks to secure sustainable economic growth as well as the opportunities that a supermarket proposal can provide financially for a site such as this where the cost implications of the retention and restoration of the heritage assets are extensive.

The Saved policies in the Local Plan and previous schemes submitted on this site have included a significant residential element. It has been seen as a key potential strategic location for new housing. This was reflected in the Core Strategy options that were consulted on last year. A significant reduction in the number of homes delivered from this site could therefore impact on the wider housing strategy. Policy R2 seeks to secure provision of some 500 dwellings on this site but the outline scheme demonstrates capacity for up to 150 only. This significant reduction in provision has to be balanced against the significant changes that have arisen in the housing market since the policies in the Local Plan were drawn up. It is also outlined in the application submission site constraints which impact on the densities that can be achieved. These include the easements relative to Bramble Brook and the two underground sewers, the Mick / Mack bus route, embankments where level changes mean ground levels need to slope, the landscape buffer of ecological value, ramped access roads, and safeguarding views of listed buildings and the provision of public realm to achieve the necessary links to Friar Gate Bridge. An existing scrap metal yard also provides a source of noise at the western end of the site. These physical constraints need to be considered and it should be noted that all of the land that falls within the area of land identified under Policy R2 does not fall within the red edge of the application site. A reasonable judgement will need to be reached on the level of housing provision that the site can realistically accommodate in conjunction with what other forms of development can be achieved on site to bring in the revenues that make the housing viable and deliverable.

The relationship of the different uses proposed across the site and the massing, scale and amenity implications for existing neighbours will need to be considered carefully. Particular attention will be needed where the site shares a close relationship with existing residential properties. Important to these considerations are the elevated site levels and the impact that they will have for the height and scale of the development in relation to neighbours as well as views into and through the site.

Heritage Issues

Given that the planning application is submitted in outline and matters relating to the external appearance of parts of the development are reserved for future approval, the implications of the scheme on the significance, character and setting of listed buildings and the adjacent Friar Gate Conservation Area will need to be undertaken through consideration of their layout and scale. Ensuring that sufficient information is provided so that all potential impacts are known and ensuring that adequate control can be exercised at the reserved matters stage will be key to ensuring that the physical implications of the scheme are identified and controlled.

The implications of the proposals for all the heritage assets will require detailed consideration taking on board the views of the necessary consultees and in particular English Heritage. These include the grade II listed Friar Gate Bridge and

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neighbouring listed buildings in Friar Gate. It also includes non designated heritage assets including the remains of the Friar Gate Station and curtilage structures such as walls. The ring road has significantly opened up views of the Bonded Warehouse from the south and the implications for prominent and important vista's and views will be part of those considerations. The siting and scale of the new buildings proposed on site will need to be assessed in terms of their relationship to existing neighbours and implications for the setting of the listed buildings. The quality of the public realm, extent of hard surfacing and soft landscaping will also form part of the overall assessment.

The delivery and phasing of the scheme will need to be considered to ensure that some aspects of the development do not come forward in isolation of others. The repair and reuse of the historic buildings is a priority and should not be compromised through part implementation of certain aspects of the scheme. The provision of the residential development is also central to the regeneration benefits arising from the site and securing its delivery will be important in ensuring that comprehensive development is secured across the whole of the development site.

Environmental Considerations

The information provided in the Ground Conditions Report, Noise Assessment, Air Quality Impact Assessment and Ecological Survey is still under consideration. It is accepted that it is likely that further survey work may be needed and the applicants are already in the process of addressing the issues raised by the Arboricultural Officer. It is likely that mitigation measures can be put in place to control some of the environmental issues arising from the redevelopment of the site. Conditions of outline planning permission may be suggested as a means for securing those measures. The loss of the local wildlife site, rare plant species and habitat for butterflies is regrettable but needs to be weighed against the benefits that will be gained by the comprehensive development of the site. Comprehensive development is needed to make the scheme viable and secure the restoration and retention of the listed buildings along with the new housing which is needed in the City. This does not mean that the loss of the important flora and fauna from the site can be justified at any cost and detailed consideration of the proposed mitigation measures including translocation to a suitable alternative site will need to be considered in detail. The advice of Natural England and Derbyshire Wildlife Trust will be taken on board to ensure that adequate measures are in place to control the implications of the proposals on any protected species. The applicants have submitted a statement of intent in relation to the sites flora and fauna and it will be necessary to ensure that the translocation of any habitats can be properly secured through the Section 106 Agreement.

The applicants are already in discussions with the Environment Agency and the City Council's Land Drainage Team. Flood modelling is proposed to be undertaken and the applicants are working to address the current objections to the application put forward by the Environment Agency. It is considered likely that a satisfactory resolution to the flooding and drainage issues involved on this site can be resolved in accordance with the requirements of PPS25. The remediation costs associated with the culverted section of Bramble Brook have viability implications for the wider site. It will also need to be taken into consideration the implications that the easements associated with the two combined sewers which cross the site will have for the

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densities of residential development that can be achieved at the western end of the site.

Highway Issues

Issues relative to the suitability of the site accesses and capacity remain under consideration. The proposals involve the provision of a large area of surface car parking and justification for the 700 parking spaces being proposed will need detailed consideration. The permeability of the site for cyclists and pedestrians will also be important, taking on board the views of local residents, the Police Liaison Officer and Derby Cycling Group. The quality of the link between the development and the Friar Gate Bridge along with future plans for linkages to the development approved on Agard Street will form part of these considerations.

Conclusion

As is indicated in this report, there are a number of complex issues that need to be resolved prior to this application being brought back to this Committee for determination. There are many planning policy issues and 'other' material considerations that will need to be proportioned appropriate weight in reaching a decision on the three applications. Part of those considerations must be the viability of the scheme. The City Council need to be confident that a redevelopment scheme is secured that is deliverable and will achieve the comprehensive development of the whole site including the long term restoration and use of its listed buildings.

11. Recommended decision and summary of reasons:

11.1. For Members' consideration and further instruction.

11.2. S106 requirements where appropriate:

The application is in the early stages of determination and the Heads of Terms for a Section 106 Agreement have yet to be determined and discussed in detail with the applicants. It is considered that a scheme of this nature is likely to give rise to requirements for affordable housing, lifetime homes, public open space, public art, public realm, listed building restoration, wildlife mitigation and protection, drainage works, highway and transport aspects. This list is not exhaustive and may be subject to change.

11.3. Application timescale:

The target date for the determination of the two applications for listed building consent is 28 April. The target date for the outline planning application is 2 June.

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